

ABOUT THE FIRM

FINE, KAPLAN AND BLACK, RPC

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Fine, Kaplan and Black is a nationally recognized firm located in Philadelphia, Pennsylvania, which devotes its practice entirely to litigation, with particular emphasis on antitrust, class actions, complex commercial litigation, consumer protection and white collar criminal defense.

Fine, Kaplan and Black has consistently been highly ranked as one of the premier antitrust practices in Pennsylvania by the *Chambers USA Client Guide*. The *Guide* praises the Firm as an “excellent boutique firm” that is composed of “erudite and capable attorneys.” In the *Guide*, clients praised the Firm for its “absolutely fantastic service” and “superb attorneys.”

In addition, many of Fine, Kaplan and Black’s litigation attorneys have been named Pennsylvania Super Lawyers or Rising Stars by *Philadelphia Magazine*.

Since its formation in 1975, the Firm has been involved in many of the most significant antitrust and class action cases in federal and state courts. A few examples of these cases include:

In re Urethane (Polyether Polyols) Antitrust Litig., 768 F.3d 1245 (10th Cir. 2014). The firm served as co-lead counsel in this antitrust class action alleging price-fixing of certain urethane chemical products. After a four-week trial in early 2013, Plaintiffs obtained a jury verdict in excess of \$400,000,000 against The Dow Chemical Company. The Court entered judgment for \$1.06 billion after trebling -- the largest antitrust judgment in 2013 and the largest price-fixing verdict ever. While on appeal to the Supreme Court of the United States, Plaintiffs reached an agreement to settle the case against Dow for \$835 million. Combined with earlier settlements, the total settlements reached in the case are \$974 million.

United States v. Stolt-Nielsen, et al., 524 F. Supp. 2d 586 (E.D. Pa. 2007), a criminal prosecution brought after the Antitrust Division rescinded an Amnesty Agreement that promised immunity from prosecution to the Company and its executives. This represented the first case in which the Government had rescinded an Amnesty Agreement and attempted to maintain a criminal prosecution against the parties to such an Agreement. After a four-week trial on a Motion to Dismiss the Indictment and extensive briefing by the parties, the Court found that the Government had “no reasonable basis” for revoking the Amnesty Agreement, and dismissed the indictment.

In re NASDAQ Market-Makers Antitrust Litigation, 187 F.R.D. 465 (S.D.N.Y. 1998), a case in which defendants and others successfully conspired to increase the fix and “spreads” paid by plaintiffs and the members of the class in connection with purchases and sales of class securities, one of the country’s largest and most complex multidistrict price-fixing class actions. The Firm served as one of Plaintiffs’ Co-Lead Counsel, on behalf of a class of more than a million class members. The case was certified and ultimately settled for more than one billion dollars.

Love Terminal Partners v. City of Dallas, 527 F. Supp. 2d 538 (N.D. Tex. 2007), a complex antitrust litigation arising out of the Wright Amendment Reform Act of 2006, in which the Firm successfully defended Southwest Airlines and the Court granted its motion to dismiss the complaint.

In re Steel Antitrust Litigation, 639 F. Supp. 2d 877 (N.D. Ill. 2009), a pending multidistrict price-fixing class action in which the Firm was appointed as Co-Lead Counsel for a putative class of direct purchasers of steel. Settlements have been reached with all eight defendants, totaling \$193.9 million.

In re Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007), a class-wide arbitration in which the Firm represented a class of independent contractors alleging systematic underpayment and breach of contract. In June 2008, a panel of arbitrators approved a \$24.75 million settlement.

In re Copper Antitrust Litigation, 528 F. Supp. 2d 908 (W.D. Wis. 2007), an antitrust case in which the Firm represented a group of large purchasers of copper in litigation alleging price manipulation in the copper market which settled favorably in 2007.

In re Remeron End-Payor Antitrust Litigation, 2005 WL 2230314 (D.N.J. Sept. 13, 2005), an antitrust class action in which the Firm was Co-Lead counsel, and achieved a settlement of \$36 million for the class of end users of a prescription drug.

In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.). The firm represented a plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate. The class obtained a settlement of \$65.7 million.

In re Linerboard Antitrust Litigation, 305 F.3d 145 (3d Cir. 2002) and 2004 WL 1221350 (E.D. Pa. June 2, 2004), a horizontal price-fixing class action against the major manufacturers of corrugated containers, in which the Firm was a member of Plaintiffs' Executive Committee. Settlements in the fall of 2003 resulted in a recovery in excess of \$202.5 million for the benefit of the class.

A number of courts have commented favorably on the quality of our Firm's work in antitrust and other class actions. For example, in In re Linerboard Antitrust Litigation, 2004 WL 1221350, at *6 (E.D. Pa. June 2, 2004), in which our Firm was a member of Plaintiffs' Executive Committee, the Court approved a settlement of \$202.5 million for the benefit of the class, and stated, "the lawyering in the case at every stage was superb...." In In re Lorazepam and Clorazepate Antitrust Litigation, M.D.L. No. 1290, 2003 WL 22037741, *6, (D.D.C. June 16, 2003), in which our Firm was Co-Counsel for the class of direct purchasers, in approving the settlement the Court characterized counsel as "among the best and most experienced antitrust litigators in the country." In In re NASDAQ Market-Makers Antitrust Litigation, 187 F.R.D. 465, 474 (S.D.N.Y. 1998), the Firm served as one of Plaintiffs' Co-Lead Counsel, and the Court approved a settlement of over \$1 billion, complimenting the Firm by noting that, "[i]t is difficult to conceive of better representation than the parties to this action achieved."

ROBERTA D. LIEBENBERG

Roberta D. Liebenberg, a member, is a graduate of the University of Michigan and the Catholic University Columbus School of Law, *magna cum laude*, where she was the Notes Editor of the Law Review. Thereafter, she served as a law clerk for the United States Court of Appeals for the Fourth Circuit.

Ms. Liebenberg was one of four trial counsel for the plaintiff class in In re Urethane (Polyether Polyols) Antitrust Litigation, MDL No. 1616 (D.Kan.), a price-fixing case which, after a four week jury trial, resulted in a record-setting judgment against The Dow Chemical Company in excess of \$400 million, prior to trebling. The Court entered a final judgment for the class in the amount of \$1.06 billion, that was later unanimously affirmed by the Tenth Circuit. Dow recently agreed to a settlement for \$835 million, one of the largest settlements ever recovered in a price-fixing case from a single defendant.

In addition, Ms. Liebenberg has served in leadership roles in a number of other antitrust and consumer class actions: In re Aftermarket Filters Antitrust Litigation, MDL No. 1957 (N.D. Ill.) (Co-Lead Counsel for direct purchasers) (\$18 million settlement); In re Providian Financial Corp. Credit Card Terms Litigation, MDL No. 1301 (E.D. Pa.) (Co-Lead Counsel) (\$105 million settlement); In re Linerboard Antitrust Litigation, MDL No. 1261 (E.D. Pa.) (Executive Committee) (\$202.5 million settlement); In re Capacitors Antitrust Litigation, MDL No. 2574 (N.D. Cal.) (Expert Committee); In re Vitamins Antitrust Litigation, MDL No. 1285 (D.D.C.) (Expert Committee) (approximately \$325 million settlement); In re MSG Antitrust Litigation, MDL No. 1328 (D. Minn.) (Co-Chair, Expert Committee) (\$123 million settlement); In re Automotive Paint Antitrust Litigation, MDL No. 1426 (E.D. Pa.) (Executive Committee) (\$105.75 million settlement); Thomas & Thomas Rodmakers, Inc. v. Newport Adhesives & Composites, Inc. (Carbon Fibers), No. CV-99-07796 (C.D. Cal.) (Expert Committee) (\$68 million settlement); In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.) (Co-Chair, Expert Committee) (approximately \$50 million settlement); In re Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah) (Co-Chair, Discovery Committee) (\$71 million settlement); United States v. Stolt-Nielsen, 524 F. Supp. 2d 586, 609 (E.D. Pa. 2007);

and Love Terminal Partners, L.P. v. City of Dallas, Texas, 527 F. Supp. 2d 538 (N.D. Tex. 2007).

In recognition of Ms. Liebenberg's legal skills and accomplishments, she has received a number of awards and honors. For example, she is to be awarded the American Bar Association's Margaret Brent Women Lawyers of Achievement Award in August, 2016. She is the recipient of the 2008 Sandra Day O'Connor Award by The Philadelphia Bar Association. Ms. Liebenberg has been named several times as one of the "Top Ten Super Lawyers" in Pennsylvania by *Philadelphia Magazine*, the only woman ever to receive that honor. In 2015, the *National Law Journal* named Ms. Liebenberg as one of the country's 75 most "Outstanding Women Lawyers." Previously, in 2007, the *National Law Journal* listed her as one of the "50 Most Influential Women Lawyers in America." Every year since 2004, Ms. Liebenberg has been recognized by *Philadelphia Magazine* as one of the "Top 50 Female Super Lawyers in Pennsylvania" and one of the "Top 100 Super Lawyers in Pennsylvania." She is listed in the highest band-level as one of the leading antitrust lawyers in Pennsylvania by the *Chambers USA Client Guide: America's Leading Business Lawyers*. The *Chambers Guide* states that she "always impresses with her deep knowledge, experience and vital understanding of the economic aspects of a case." Since 2006, she has been listed in *Best Lawyers in America* in the field of Antitrust, and serves as a member of the Best Lawyers Advisory Board.

DONALD L. PERELMAN

Donald L. Perelman, a member, is a graduate of the University of Michigan Law School (J.D. *magna cum laude*, 1980), and has extensive experience in the conduct of antitrust, class action and other complex litigation. Mr. Perelman is a senior member of the co-lead counsel team in the In re Urethane Antitrust Litigation (Polyether Polyols), MDL No. 1616 (D. Kan.).

He served as a member of the Plaintiffs' Executive Committee in the In re Linerboard Antitrust Litigation, 321 F. Supp. 2d 619 (E.D. Pa. 2004), and 2004 WL 1221350 (E.D. Pa. June 2, 2004). He was part of the core team that litigated this case until a settlement was reached in late 2003 resulting in a recovery for the class in excess of \$202 million. In the In re OSB Antitrust Litigation, Master File No. 06-826 (E.D. Pa.), which was settled shortly before trial for more than \$125 million, Mr. Perelman served as a member of the Plaintiffs' Executive Committee and played an integral role in the factual and theoretical development of this complex conspiracy case. In the In re Polypropylene Carpet Antitrust Litigation, MDL No. 1075 (N.D. Ga.), he was a key member of the team that defeated defendants' summary judgment and Daubert motions. Mr. Perelman is currently a member of the Executive Committee in the In re Payment Card Interchange Fee & Merchant Discount Antitrust Litigation, MDL No. 1720 (E.D.N.Y.). He also served as Co-Discovery Chair in the Commercial Explosives Antitrust Litigation, MDL 1093 (D. Utah), and he was principally responsible for the management of the discovery programs in Lawrence v. Phillip Morris, Civ. 94-1494 (E.D.N.Y.) and Transamerican v. Dravo, Civ. H-88-789 (S.D.N.Y.).

JEFFREY S. ISTVAN

Jeffrey S. Istvan, a member, received his law degree from the University of Virginia School of Law in 1992, where he was a Hardy Cross Dillard Scholar. He received his undergraduate education at the University of Rochester, from which he graduated *summa cum laude* and was elected to Phi Beta Kappa. He clerked for The Honorable Robert S. Gawthrop, III, United States District Court for the Eastern District of Pennsylvania (1992-93), before joining Fine, Kaplan and Black, R.P.C. in October 1993.

Mr. Istvan has had wide-ranging experience in many complex cases, including antitrust, securities fraud, RICO, legal malpractice, corporate mismanagement, consumer protection, commercial and civil rights cases. Mr. Istvan has been named a Pennsylvania Super Lawyer by *Philadelphia Magazine*.

In recent years, Mr. Istvan has served as lead or co-lead counsel in several class actions resulting in excellent – and sometimes unprecedented – recoveries for the class. He was Lead Counsel in Parsky v. First Union Corp., No. 771, Feb. Term 2001 (C.C.P. Phila. Cty.), which in the fall of 2003 resulted in a recovery of more than \$23 million for a class of trust customers of a bank. He was Co-Lead counsel in In re Remeron Antitrust Litigation, No. 02-cv-2007 (D.N.J.), in which a \$36 million dollar settlement for end users of a prescription drug was approved by the court in the fall of 2005. He was counsel for the plaintiff class of indirect purchasers of TriCor® and other prescription drugs containing fenofibrate in In re TriCor Indirect Purchasers Antitrust Litigation, Civil Action No. 05-360 (SLR) (D. Del.), which settled for \$65.7 million. He was co-lead counsel for the plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

Mr. Istvan was one of the principal counsel to a group of large purchasers of copper in In re Copper Antitrust Litigation, 436 F.3d 782 (7th Cir. Feb. 6, 2006), in which the Seventh Circuit reversed the district court's entry of summary judgment, and following intense discovery, defendant JP Morgan Chase settled on confidential terms that were very favorable to Mr. Istvan's clients. He was co-lead counsel in Terrapin Express, Inc. v. Airborne Express, Inc., No. 11-199-01536-05 (AAA 2007) in which a panel of AAA arbitrators approved a \$24.75 million dollar settlement in favor of a class of independent contractors who were allegedly underpaid by defendant DHL. That settlement is believed to be the largest class action

settlement in AAA arbitration. Mr. Istvan presently is an active member of the co-lead counsel team in Standard Iron Works v. ArcelorMittal, 2009 WL 1657449 (N.D. Ill. June 12, 2009).

GERARD A. DEVER

Gerard A. Dever, a member of Fine, Kaplan and Black, R.P.C., received his law degree from Temple University School of Law in 2000, from which he graduated *magna cum laude*. He received his undergraduate education at American University from which he graduated *cum laude*. Prior to joining Fine Kaplan in January 2002, he was an associate at Pepper Hamilton LLP. Mr. Dever has been named a “Super Lawyer” by *Philadelphia Magazine*. Mr. Dever is also ranked in *The Chambers USA Client Guide*, which described him as “a strong attorney with excellent analytical abilities.”

Mr. Dever has represented both plaintiffs and defendants in antitrust matters, including class actions, criminal matters and merger reviews. In addition, Mr. Dever has litigated a variety of other cases in both federal and state courts, including contract disputes, legal malpractice matters and consumer class actions. Mr. Dever served as trial counsel in United States v. Stolt-Nielsen, S.A., et al., a complex criminal matter in which the firm successfully represented an executive charged with criminal antitrust violations. The charges were dismissed after a three-week bench trial. Mr. Dever also serves as part of the co-lead counsel team for the plaintiff class in In re Urethane Antitrust Litigation (Polyether Polyols), MDL No. 1616 (D. Kan.). After a four week jury trial, the class obtained a judgment in excess of \$1 billion in that case. While the case was on appeal to the United States Supreme Court, the parties reached an agreement to settle the case against Dow for \$835 million.

Mr. Dever also has been part of the trial team in cases that settled just before trial. See In re Cathode Ray Tube (CRT) Antitrust Litigation, No. CV-07-5944 (N.D. Cal.) (an indirect

purchaser antitrust class action); Gratz College v. Synergis Education, Inc., No. 14-6966 (E.D. Pa.) (a breach of contract case).

PAUL COSTA

Paul Costa, a member, received his undergraduate degree from the University of Pennsylvania, where he graduated *cum laude*. He received his law degree from Georgetown University Law Center, where he graduated *magna cum laude* and was elected to the Order of the Coif. Following law school, he worked as an associate in the Washington, D.C. offices of Akin, Gump, Strauss, Hauer & Feld, L.L.P. Prior to joining Fine, Kaplan and Black, R.P.C. in October 2004, he served as a law clerk to the Honorable Cynthia M. Rufe of the United States District Court for the Eastern District of Pennsylvania. Since 2007, Mr. Costa has been named a "Pennsylvania Rising Star" by *Philadelphia Magazine* in an annual listing of the top young lawyers in Pennsylvania.

Mr. Costa has represented plaintiffs and defendants in complex matters in federal and state courts and in arbitration. His practice focuses on antitrust, breach of contract, and consumer class actions. He has extensive experience in all aspects of commercial litigation, including new matter investigations, document discovery, depositions, and, like many of the firm's attorneys, he has authored numerous prevailing briefs during nearly every stage of litigation. Mr. Costa also is one of the principal attorneys representing a plaintiff class of indirect purchasers of the pharmaceutical Toprol-XL® in In re Metoprolol Succinate Antitrust Litigation, 2010 WL 1485328 (D. Del. Apr. 13, 2010).

MATTHEW H. DUNCAN

Matthew H. Duncan, a member, received his law degree from the University of Pennsylvania Law School in 2003, from which he graduated *cum laude*, and won the Dolores Sloviter Award for best paper in the field of judicial administration. He received his undergraduate degree from Bucknell University in 1996 with a degree in Civil Engineering. Prior to joining Fine, Kaplan and Black, R.P.C., Mr. Duncan served as a law clerk to the Honorable Anthony J. Scirica, Chief Judge of the United States Court of Appeals for the Third Circuit. Mr. Duncan's practice focuses on antitrust and other complex litigation, as well as representing children pro bono in family court proceedings. He is an elected member of the American Law Institute, an adjunct professor of appellate advocacy at the University of Pennsylvania Law School, and in 2014, received the American Antitrust Institute's award for Outstanding Antitrust Litigation Achievement by a Young Lawyer for his role in the *Steel Antitrust Litigation*.

ADAM J. PESSIN

Adam J. Pessin, a member, received his law degree from the University of Pennsylvania Law School *magna cum laude* in 2003, where he was research assistant for Professor Stephen Burbank, teaching assistant for Judge Alison Whitmer Tumas, and an editor of the Law Review. He received an undergraduate degree in English from Yale with distinction in 1996, and a diploma in Hebrew and Jewish studies from Oxford University in 1997. Prior to joining Fine, Kaplan and Black in 2007, Adam clerked for The Honorable Maryanne Trump Barry of the United States Court of Appeals for the Third Circuit and was an associate at Patterson, Belknap, Webb and Tyler in New York City.

MARY L. RUSSELL

Mary L. Russell, an associate, received her law degree *cum laude* from Georgetown University Law Center, where she was an editor of the American Criminal Law Review. She was a United States Senate staff person before obtaining her law degree. She received her undergraduate education at Kalamazoo College, where she was a Stone Honor Scholarship recipient. She was previously associated with Winthrop, Stimson, Putman & Roberts in New York City and Ballard, Spahr, Andrews & Ingersoll in Philadelphia, and was Of Counsel at Liebenberg & White.

RIA C. MOMBLANCO

Ria C. Momblanco, an associate, received her law degree from the University of Pennsylvania Law School in 2002, where she was a senior editor and the technology editor for the Law Review. She received her undergraduate degree in chemical engineering from the University of California, Los Angeles. She is admitted to practice before the U.S. Patent and Trademark Office as well as in Pennsylvania and California. Prior to joining Fine, Kaplan and Black in 2006, Ms. Momblanco was an associate at Jones Day in Orange County, California where she practiced complex commercial litigation in the fields of health care and consumer credit reporting.

We invite you to learn more about Fine, Kaplan and Black on our website (www.finekaplan.com) or by contacting us at (215) 567-6565.